

Remarks

Entry of the present amendment and reconsideration of the above-identified application in view of the present amendment is respectfully requested.

By the present amendment Figs. 1, 2 and 4 are replaced. Replacement sheets for the amended drawings are attached. The drawing Figures have the following amendment items as follows:

Fig. 1: reference numeral 13a is added.

Fig. 2: reference numeral 37 is changed to 38.

Fig. 4: The reference numeral 28 that was indicating the protrusion of the tubular flange 26 has been changed to reference numeral 39.

Turning to the rejection of claims, claims 1-11 are cancelled and new claims 12-19 are provided for improved clarity and to clarify the differences from the cited prior art.

First, it is respectfully submitted that the Examiner has misinterpreted the function of the knob 38. The knob 38 is **not** used for locking the cutting unit 13 in a specific working position. The function of locking the cutting unit 13 is provided by another locking mechanism, which is not described in the patent application. Instead, the knob 38 is used to restrict the angular movement of the cutting unit 13, so that the user does not accidentally turn the cutting unit 13 to a position where the cutting movement of the cutting elements is locked.

As described in the description of the invention, the knob 38 restricts the angular movement of the cutting unit 13 such that it can only be turned a predefined angle, e.g. 90°, in either direction from the normal working position (which is a position where the cutting unit 13 is directed such that it is parallel with the axis of the shaft tube). Consequently, for the user to be able to turn the cutting unit more than 90° from the normal working position and turn it into a transport position he/she has to lift up the knob 38.

The cited documents Stegall (USPN 5,867,910) and Matsuruura (USPA 2004/0237317) do not provide for such knob and associated function. In view of the fact that none of the cited documents provides such a knob 34 and associated function it is respectfully requested that the new claims are allowable

over these documents and that no rejection based upon these documents is further merited.

For the sake of discussion and clarity, it is worth noting that it would not have even been obvious to try to modify the cited documents in an effort to try to provide the present invention. Matsuura seems to represent the closest structure to the present invention since Matsuura discloses a locking means for locking the cutting movement of the cutting elements in a transport position. However, note that the new independent claim 12 is distinguished from Matsuura as described above. As such, the technical effect of these features is that the cutting unit can be turned only within a predefined angle as long as the knob is not released. The purpose is to prevent the user from accidentally turning the cutting unit to a position where the cutting movement of the cutting elements is locked, when he or she intends to change the working position of the cutting unit. There is nothing in the cited prior art that would point in the direction of modifying the Matsuura device so as to try to achieve present invention

Even the previously cited document EP 0 879 553 ('553) does not lend itself to modification so as to try to achieve the present invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-41355.

Respectfully submitted,
PEARNE & GORDON LLP

By:



Ronald M. Kachmarik, Reg. No. 34512

Appl. No. 10/594,472
Amdt. Dated August 23, 2010
Reply to Office action of February 23, 2010

1801 East 9th Street

Ste. 1200

Cleveland, Ohio 44114-3108

216-579-1700